
STATUTORY INSTRUMENTS

1998 No. 1217

ROAD TRAFFIC

**The Vehicle Excise Duty (Immobilisation, Removal and
Disposal of Vehicles) (Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>14th May 1998</i>
<i>Laid before Parliament</i>		<i>21st May 1998</i>
<i>Coming into force</i>	- -	<i>15th June 1998</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by section 57(1), (2) and (3) of, and Schedule 2A to, the Vehicle Excise and Registration Act 1994(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) (Amendment) Regulations 1998 and shall come into force on 15th June 1998.

Amendment of the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997

2. The Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997(2) shall be amended in accordance with the Schedule to these Regulations.

(1) 1994 c. 22. Section 57 was amended by the Finance Act 1996 (c. 8), Schedule 2, paragraph 16. Schedule 2A was inserted by the Finance Act 1995 (c. 4), Schedule 4, paragraph 36(2) and amended by the Finance Act 1997 (c. 16), section 20.
(2) S.I.1997/2439, amended by S.I. 1997/3063.

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Signed by authority of the Secretary of State

14th May 1998

Helene Hayman
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

SCHEDULE

Regulation 2

AMENDMENTS TO THE VEHICLE EXCISE DUTY (IMMOBILISATION, REMOVAL AND DISPOSAL OF VEHICLES) REGULATIONS 1997

1. In regulation 2(1)—
 - (a) in the definition of “local authority” after sub-paragraph (c) there shall be inserted—

“(d) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(3);”;
 - (b) in the definition of “public service vehicle” in sub-paragraph (a) for the words “England and Wales” there shall be substituted “Great Britain”.
2. In regulation 5(1) the words “in England, Wales or Northern Ireland” shall be omitted.
3. In regulation 9(1)(a) the words “in England, Wales or Northern Ireland” shall be omitted.
4. In regulation 17 for paragraph (5) there shall be substituted the following paragraphs—

“(5) A claimant who has made an appeal to an authorised person under paragraph (2) may make a further appeal to the appropriate court in accordance with paragraph (6)—

 - (a) if his appeal under paragraph (2) has been rejected under paragraph (4) and the further appeal is made within 28 days of his being served with notification to that effect under paragraph (4)(b); or
 - (b) if the authorised person has not notified him of the outcome of his appeal in accordance with paragraph (4) and 56 days have elapsed since he appealed,

and, if the court finds that either of the grounds mentioned in paragraph (1)(a) have been established, it shall order the Secretary of State to refund the disputed charge.

(6) A further appeal in accordance with paragraph (5) lies—

 - (a) in relation to a vehicle that was stationary on a public road in England or Wales, to a magistrates' court by way of complaint;
 - (b) in relation to a vehicle that was stationary on a public road in Scotland, to the Sheriff by way of summary application;
 - (c) in relation to a vehicle that was stationary on a public road in Northern Ireland, to a court of summary jurisdiction.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Vehicle Excise Duty (Immobilisation, Removal and Disposal of Vehicles) Regulations 1997 (“the 1997 Regulations”).

The 1997 Regulations provide for the immobilisation, removal and disposal of unlicensed mechanically propelled vehicles found stationary on public roads in England, Wales or Northern

(3) 1994 c. 39.

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Ireland. These Regulations extend the 1997 Regulations to Scotland and make consequential amendments.